

ESTTA Tracking number: **ESTTA539199**

Filing date: **05/21/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	The Honest Company, Inc.
Granted to Date of previous extension	06/01/2013
Address	1550 17th Street Santa Monica, CA 90404 UNITED STATES

Attorney information	Erica J. Van Loon Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP 10250 Constellation Blvd. 19th Floor Los Angeles, CA 90067 UNITED STATES evanloon@glaserweil.com, jwood@glaserweil.com Phone:(310) 553-3000
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Applicant Information

Application No	85740533	Publication date	04/02/2013
Opposition Filing Date	05/21/2013	Opposition Period Ends	06/01/2013
Applicant	Laditan, Bunmi 9326 Strongbox Way San Antonio, TX 78254 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2012/05/01 First Use In Commerce: 2012/05/01
All goods and services in the class are opposed, namely: Providing a website featuring blogs and non-downloadable publications in the nature of articles and columns in the fields of entertainment and parenting

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3492375	Application Date	01/28/2008
Registration Date	08/26/2008	Foreign Priority Date	NONE
Word Mark	HONESTBABY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2006/03/01 First Use In Commerce: 2006/03/01 Infant and toddler one piece clothing; Swaddling clothes; Tops Class 045. First use: First Use: 2006/03/01 First Use In Commerce: 2006/03/01 Information in the field of parenting concerning intrafamily relationships; Providing a web site featuring information about baby names to assist web users in learning about and in choosing names for babies; Providing advice and information on appropriate gifts for children; Providing fashion information; Providing information in the field of child safety

U.S. Registration No.	3444412	Application Date	09/17/2007
Registration Date	06/10/2008	Foreign Priority Date	NONE
Word Mark	HONESTBABY CELEBRATING THE IMPERFECT JOURNEY OF PARENTING		
Design Mark			
Description of Mark	The mark consists of a stylized child's face and the name "honestbaby" in the smilage font .		
Goods/Services	Class 025. First use: First Use: 2006/03/01 First Use In Commerce: 2006/03/01 T-shirts; Infant and toddler one piece clothing Class 041. First use: First Use: 2006/03/01 First Use In Commerce: 2006/03/01 Information in the field of parenting concerning education of children; Information in the field of parenting concerning entertainment of children; Information on education; Providing an on-line computer database featuring information regarding exercise and fitness before and after pregnancy; News analysis and features distribution; News reporting services		

U.S. Application No.	85778060	Application Date	11/13/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HONEST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2012/01/17 First Use In Commerce: 2012/02/17 (Based on Use in Commerce) All-purpose cleaners; Anti-static dryer sheets; Baby bubble bath; Baby hair conditioner; Baby hand soap; Baby lotion; Baby oil; Baby shampoo; Baby wipes; Body lotion; Body oil; Body wash; Cleaning agents for cleaning surfaces; Detergent soap; Dish detergents; Dishwasher detergents; Dishwashing detergents; Fabric softeners for laundry use; Face and body lotions; Facial lotion; Facial moisturizer with SPF; Fruit and vegetable wash; Hair sprays; Hand soaps; Laundry detergent; Laundry soap; Lip balm; Liquid soap; Liquid soaps for hands and face; Liquid soaps for hands, face and body; Non-medicated diaper rash cream; Rinse agents for dishwashing machines; Soaps and detergents; Soaps for babies; Soaps for body care; Soaps for household use; Soaps for personal use; Stain removers; Sunscreen cream(Based on Intent to Use) Bar soap; Cleaner for use on floors and windows; Deodorants and antiperspirants; Make-up remover; Mouthwash; Non-medicated skin care preparations, namely, nipple cream; Room fragrances; Tooth paste		

U.S. Application No.	85777950	Application Date	11/13/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HONEST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2012/01/17 First Use In Commerce: 2012/02/17 (Based on Use in Commerce) Anti-insect spray; Antibacterial alcohol skin sanitizer gel; Baby diapers; Disposable baby diapers; Insect exterminating agents; Insect repellents(Based on Intent to Use) Air deodorizer; Breast pads; Breast-nursing pads; Disinfectant bathroom cleaners; Feminine hygiene pads; Infant formula; Inserts specially adapted for cloth infant diapers made of paper; Menstruation pads; Menstruation tampons; Nursing pads; Rubbing compound for medical and/or therapeutic use; Tampons; Vitamins		

U.S. Application No.	85777882	Application Date	11/13/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HONEST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2012/01/17 First Use In Commerce: 2012/01/17 Retail store services featuring a wide variety of consumer goods namely eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products; providing consumer product information via the Internet or other communications networks; computerized on-line ordering services featuring a wide variety of consumer goods namely eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products		

U.S. Application No.	85778572	Application Date	11/13/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE HONEST CO.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2012/01/17 First Use In Commerce: 2012/02/17 (Based on Use in Commerce) All-purpose cleaners; Anti-static dryer sheets; Baby bubble bath; Baby hair conditioner; Baby hand soap; Baby lotion; Baby oil; Baby shampoo; Baby wipes; Body lotion; Body oil; Body wash; Cleaning agents for cleaning surfaces; Detergent soap; Dish detergents; Dishwasher detergents; Dishwashing detergents; Fabric softeners for laundry use; Face and body lotions; Facial lotion; Facial moisturizer with SPF; Fruit and vegetable wash; Hair sprays; Hand soaps; Laundry detergent; Laundry soap; Lip balm; Liquid soap; Liquid soaps for hands and face; Liquid soaps for hands, face and body; Non-medicated diaper rash cream; Rinse agents for dishwashing machines; Soaps and detergents; Soaps for babies; Soaps for body care; Soaps for household		

	use; Soaps for personal use; Stain removers; Sunscreen cream(Based on Intent to Use) Bar soap; Cleaner for use on floors and windows; Deodorants and antiperspirants; Make-up remover; Mouthwash; Non-medicated skin care preparations, namely, nipple cream; Room fragrances; Tooth paste
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U.S. Application No.	85778546	Application Date	11/13/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE HONEST CO.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2012/01/17 First Use In Commerce: 2012/02/17 (Based on Use in Commerce) Anti-insect spray; Antibacterial alcohol skin sanitizer gel; Baby diapers; Disposable baby diapers; Insect exterminating agents; Insect repellents(Based on Intent to Use) Air deodorizer; Breast pads; Breast-nursing pads; Disinfectant bathroom cleaners; Feminine hygiene pads; Infant formula; Inserts specially adapted for cloth infant diapers made of paper; Menstruation pads; Menstruation tampons; Nursing pads; Rubbing compound for medical and/or therapeutic use; Tampons; Vitamins		

U.S. Application No.	85778533	Application Date	11/13/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE HONEST CO.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2012/01/17 First Use In Commerce: 2012/01/17 Retail store services featuring a wide variety of consumer goods namely eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products; providing consumer product information via the Internet or other communications networks; computerized on-line ordering services featuring a wide variety of consumer goods namely eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products		

U.S. Application No.	85774180	Application Date	11/07/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE HONEST CO. THE HONEST CO.		
Design Mark			
Description of Mark	The mark consists of a stylized, graphic butterfly inside of a circle; the circle is inside of another larger, outer circle with the words THE HONEST CO. positioned on top and bottom of the butterfly within the space between the two circles; the words THE HONEST CO. positioned below the butterfly appear upside down.		
Goods/Services	Class 003. First use: First Use: 2012/01/17 First Use In Commerce: 2012/02/17 (Based on Use in Commerce) All-purpose cleaners; Anti-static dryer sheets; Baby bubble bath; Baby hair conditioner; Baby hand soap; Baby lotion; Baby oil;		

	Baby shampoo; Baby wipes; Body lotion; Body oil; Body wash; Cleaning agents for cleaning surfaces; Detergent soap; Dish detergents; Dishwasher detergents; Dishwashing detergents; Fabric softeners for laundry use; Face and body lotions; Facial lotion; Facial moisturizer with SPF; Fruit and vegetable wash; Hair sprays; Hand soaps; Laundry detergent; Laundry soap; Lip balm; Liquid soap; Liquid soaps for hands and face; Liquid soaps for hands, face and body; Non-medicated diaper rash cream; Rinse agents for dishwashing machines; Soaps and detergents; Soaps for babies; Soaps for body care; Soaps for household use; Soaps for personal use; Stain removers; Sunscreen cream(Based on Intent to Use) Bar soap; Cleaner for use on floors and windows; Deodorants and antiperspirants; Make-up remover; Mouthwash; Non-medicated skin care preparations, namely, nipple cream; Room fragrances; Tooth paste		
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U.S. Application No.	85774161	Application Date	11/07/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE HONEST CO. THE HONEST CO.		
Design Mark			
Description of Mark	The mark consists of a stylized, graphic butterfly inside of a circle; the circle is inside of another larger, outer circle with the words THE HONEST CO. positioned on top and bottom of the butterfly within the space between the two circles; the words THE HONEST CO. positioned below the butterfly appear upside down.		
Goods/Services	Class 005. First use: First Use: 2012/01/17 First Use In Commerce: 2012/02/17 (Based on Use in Commerce) Anti-insect spray; Antibacterial alcohol skin sanitizer gel; Baby diapers; Disposable baby diapers; Insect exterminating agents; Insect repellents(Based on Intent to Use) Air deodorizer; Breast pads; Breast-nursing pads; Disinfectant bathroom cleaners; Feminine hygiene pads; Infant formula; Inserts specially adapted for cloth infant diapers made of paper; Menstruation pads; Menstruation tampons; Nursing pads; Rubbing compound for medical and/or therapeutic use; Tampons; Vitamins		

U.S. Application No.	85774116	Application Date	11/07/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE HONEST CO. THE HONEST CO.		
Design Mark			
Description of Mark	The mark consists of a stylized, graphic butterfly inside of a circle; the circle is inside of another larger, outer circle with the words THE HONEST CO. positioned on top and bottom of the butterfly within the space between the two circles; the words THE HONEST CO. positioned below the butterfly appear upside down.		
Goods/Services	Class 035. First use: First Use: 2012/01/17 First Use In Commerce: 2012/01/17 Retail store services featuring a wide variety of consumer goods, namely, eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products; providing consumer product information via the Internet or other communications networks; computerized on-line ordering services featuring a wide variety of consumer goods, namely, eco-friendly baby products, baby bath products, baby diaper products, baby body care products, household cleaning products		

Attachments	2013-05-21 HONEST TODDLER TTAB Notice of Opposition .pdf(74750 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Erica J. Van Loon/
Name	Erica J. Van Loon
Date	05/21/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

The Honest Company, Inc.,

Opposer,

v.

Bunmi Laditan,

Applicant.

Opposition No.

Serial No. 85/740,533

Mark: HONEST TODDLER

Published in the Official Gazette: April 2, 2013

NOTICE OF OPPOSITION

1. Opposer The Honest Company, Inc. (“The Honest Company” or “Opposer”) , believes that it is being and will continue to be damaged by Applicant Bunmi Laditan’s (“Laditan” or “Applicant”) Application to register the mark HONEST TODDLER, Serial No. 85/740,533 (the “HONEST TODDLER” mark) filed September 27, 2013, and any resulting registration therefrom, and hereby opposes the registration of same.

2. The Honest Company is a Delaware Corporation, with a place of business at 1550 17th Street, Santa Monica, California 90404. Founded by Golden Globe-nominated actress and mother of two, Jessica Alba, and entrepreneur and former CEO of the non-profit organization Healthy Child Healthy World, Christopher Gavigan, The Honest Company’s mission is to educate, inspire and fulfill the promise of creating an eco-friendly, healthy and sustainable future for children. The Honest Company’s ultimate goal is to re-define the experience of the “family brand,” and deliver on the brand promise of convenience, safety and health for all families.

3. The Honest Company was created to respond to parents’ need and desire for affordable and non-toxic products – including baby diapers and essentials. Accordingly, The Honest Company offers a monthly subscription service providing eco-friendly children’s and household products conveniently delivered to families’ front-doors. By way of example and without limitation, The Honest Company’s product line includes non-toxic, eco-friendly and

highly biodegradable diapers with stylized printed patterns and a complete line of baby care essentials including wipes, bath and skin care, and home cleaning products – all packed in special bundles.

4. In addition to creating, developing, producing and marketing a wide variety of consumer products, The Honest Company provides informational services in the field of parenting, concerning, among other things, education, health and entertainment of children and exercise and fitness before and after pregnancy.

5. As set forth in detail below, The Honest Company is the owner of a family of over 40 “HONEST” trademarks and designs including “HONESTBABY” which it uses on or in connection with its various products and services for infants, children and families.

6. Further, The Honest Company is the registrant of several “Honest” domain names including honestbaby.com, honesttoddler.com, honesttot.com, www.honestparents.com, honestparent.com, honestdads.com, honestfamily.com and most notably, honesttoddler.com. In fact, The Honest Company registered the honesttoddler.com domain name prior to Applicant’s claimed first use of the HONEST TODDLER mark. The Honest Company uses the honesttoddler.com domain name in connection with the promotion and sale of its HONEST and HONEST BABY (as defined below) products and services.

7. The Honest Company’s HONEST and HONEST BABY (as defined below) products and services are well-known and highly-regarded throughout the United States and have garnered considerable media attention through television broadcasts, newspapers, websites and magazines. For example, the dozens of magazines featuring The Honest Company include Forbes magazine, People, Parents, In Style, Family Circle and Time. In addition, The Honest Company has appeared on leading national television shows such as Good Morning America, the Today Show, The View, Ellen, CNN, CBS, KTLA, Martha Stewart, Rachel Ray, Jimmy Kimmel and Live with Kelly, just to name a few.

8. The Honest Company is informed and believes that Applicant Bunmi Laditan is an individual having an address of 9326 Strongbox Way, San Antonio, Texas 78254. Applicant

uses the HONEST TODDLER mark in connection with a blog called The Honest Toddler, as well as in connection with social media websites such as Twitter and Facebook. The Honest Toddler primarily offers parenting advice written from the perspective of a toddler.

9. Applicant's HONEST TODDLER mark is confusingly similar to The Honest Company's HONEST BABY and HONEST marks described below and is likely to cause confusion, mistake and/or deception among consumers.


10. In an effort to resolve the present matter, The Honest Company reached out to Applicant and explained the genuine concerns The Honest Company has over Applicant's application to register the HONEST TODDLER mark. After an amicable conversation, Applicant indicated to The Honest Company that she would consider withdrawing the application. However, the application has not been withdrawn as of today, necessitating the present Notice of Opposition.

11. Opposer has obtained the necessary extension of time in which to file this Notice of Opposition.

As grounds for opposition, The Honest Company alleges as follows:

12. The Honest Company is the owner of, among other things, the following United States trademark and service mark registrations for HONESTBABY and HONESTBABY CELEBRATING THE IMPERFECT JOURNEY OF PARENTING (collectively, the "HONEST BABY" marks) as well as United States trademark and service mark applications for HONEST, THE HONEST CO. and the THE HONEST CO. design (collectively, the "HONEST" marks):

Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
HONESTBABY	3492375 Aug. 26, 2008	77382456 Jan. 28, 2008	25 - Infant and toddler one piece clothing; Swaddling clothes; Tops. 45 - Information in the field of parenting concerning intrafamily relationships; Providing a web site featuring information about baby names to assist web users in learning about and in choosing names for babies; Providing advice

Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
			and information on appropriate gifts for children; Providing fashion information; Providing information in the field of child safety.
	3444412 Jun. 10, 2008	77281710 Sep. 17, 2007	25 - T-shirts; Infant and toddler one piece clothing. 41- Information in the field of parenting concerning education of children; Information in the field of parenting concerning entertainment of children; Information on education; Providing an on-line computer database featuring information regarding exercise and fitness before and after pregnancy; News analysis and features distribution; News reporting services.
HONEST		85777805 Nov. 13, 2012	2 - Paints
HONEST		85778060 Nov. 13, 2012	3 - All-purpose cleaners; Anti-static dryer sheets; Baby bubble bath; Baby hair conditioner; Baby hand soap; Baby lotion; Baby oil; Baby shampoo; Baby wipes; Body lotion; Body oil; Body wash; Cleaning agents for cleaning surfaces; Detergent soap; Dish detergents; Dishwasher detergents; Dishwashing detergents; Fabric softeners for laundry use; Face and body lotions; Facial lotion; Facial moisturizer with SPF; Fruit and vegetable wash; Hair sprays; Hand soaps; Laundry detergent; Laundry soap; Lip balm; Liquid soap; Liquid soaps for hands and face; Liquid soaps for hands, face and body; Non-medicated diaper rash cream; Rinse agents for dishwashing machines; Soaps and detergents; Soaps for babies; Soaps


Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
			for body care; Soaps for household use; Soaps for personal use; Stain removers; Sunscreen cream; Bar soap; Cleaner for use on floors and windows; Deodorants and antiperspirants; Make-up remover; Mouthwash; Non-medicated skin care preparations, namely, nipple cream; Room fragrances; Tooth paste
HONEST		85777809 Nov. 13, 2012	4 - Candles
HONEST		85777950 Nov. 13, 2012	5 - Anti-insect spray; Antibacterial alcohol skin sanitizer gel; Baby diapers; Disposable baby diapers; Insect exterminating agents; Insect repellents; Air deodorizer; Breast pads; Breast-nursing pads; Disinfectant bathroom cleaners; Feminine hygiene pads; Infant formula; Inserts specially adapted for cloth infant diapers made of paper; Menstruation pads; Menstruation tampons; Nursing pads; Rubbing compound for medical and/or therapeutic use; Tampons; Vitamins
HONEST		85777938 Nov. 13, 2012	10 - Baby bottles; Breast pumps; Cups adapted for feeding babies and children; Pacifiers for babies; Teething rings
HONEST		85777820 Nov. 13, 2012	12 - Baby strollers; Children's car seats; Safety seats for infants and children for vehicles
HONEST		85777927 Nov. 13, 2012	16 - Disposable swim pants for children and infants; Disposable training pants; Books in the field of parenting, children, environment, education; Disposable pads for



Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
			diaper changing; Magazine paper; Paper pads for changing diapers; Paper place mats
HONEST		85777825 Nov. 13, 2012	18 - Bags for carrying babies' accessories; Diaper bags; Leather and imitation leather bags
HONEST		85777831 Nov. 13, 2012	20 - Baby changing mats; Baby changing tables; Cribs; Diaper changing mats; High chairs for babies; Pillows
HONEST		85777839 Nov. 13, 2012	21 - Bath products, namely, body sponges; Bath sponges; Cleaning brushes for household use; Cleaning sponges; Diaper pails; Dishwashing brushes; Scrub sponges; Scrubbing brushes; Soap containers; Tooth brushes; Training cups for babies and children
HONEST		85777846 Nov. 13, 2012	24 - Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper; Bed pads; Bed sheets; Burp cloths; Crib bumper pads; Crib bumpers; Crib sheets; Diaper changing pads not of paper; Hooded towels; Mattress pads; Washcloths
HONEST		85777852 Nov. 13, 2012	25 - Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Hats; Hats for infants, babies, toddlers and children; Infant and toddler one piece clothing; Infant sleepers; Infant wear; Infant wearable blankets; Infants' shoes and boots; Shoes
HONEST		85777861 Nov. 13, 2012	27 - Carpets and rugs





Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
HONEST		85777865 Nov. 13, 2012	28 - Baby multiple activity toys; Baby rattles; Baby rattles incorporating teething rings; Bath toys; Children's multiple activity toys; Crib toys; Memory games; Stuffed toys; Toy building blocks
HONEST		85777882 Nov. 13, 2012	35 - Retail store services featuring a wide variety of consumer goods namely eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products; providing consumer product information via the Internet or other communications networks; computerized on-line ordering services featuring a wide variety of consumer goods namely eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products
THE HONEST CO.		85778481 Nov. 13, 2012	2 - Paints
THE HONEST CO.		85778572 Nov. 13, 2012	3 - All-purpose cleaners; Anti-static dryer sheets; Baby bubble bath; Baby hair conditioner; Baby hand soap; Baby lotion; Baby oil; Baby shampoo; Baby wipes; Body lotion; Body oil; Body wash; Cleaning agents for cleaning surfaces; Detergent soap; Dish detergents; Dishwasher detergents; Dishwashing detergents; Fabric softeners for laundry use; Face and body lotions; Facial lotion; Facial moisturizer with SPF; Fruit and vegetable wash; Hair sprays; Hand soaps; Laundry detergent; Laundry soap; Lip balm; Liquid soap; Liquid soaps for hands and face;

Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
			Liquid soaps for hands, face and body; Non-medicated diaper rash cream; Rinse agents for dishwashing machines; Soaps and detergents; Soaps for babies; Soaps for body care; Soaps for household use; Soaps for personal use; Stain removers; Sunscreen cream; Bar soap; Cleaner for use on floors and windows; Deodorants and antiperspirants; Make-up remover; Mouthwash; Non-medicated skin care preparations, namely, nipple cream; Room fragrances; Tooth paste
THE HONEST CO.		85778486 Nov. 13, 2012	4 - Candles
THE HONEST CO.		85778546 Nov. 13, 2012	5 - Anti-insect spray; Antibacterial alcohol skin sanitizer gel; Baby diapers; Disposable baby diapers; Insect exterminating agents; Insect repellents; Air deodorizer; Breast pads; Breast-nursing pads; Disinfectant bathroom cleaners; Feminine hygiene pads; Infant formula; Inserts specially adapted for cloth infant diapers made of paper; Menstruation pads; Menstruation tampons; Nursing pads; Rubbing compound for medical and/or therapeutic use; Tampons; Vitamins
THE HONEST CO.		85778543 Nov. 13, 2012	10 - Baby bottles; Breast pumps; Cups adapted for feeding babies and children; Pacifiers for babies; Teething rings
THE HONEST CO.		85778491 Nov. 13, 2012	12 - Baby strollers; Children's car seats; Safety seats for infants and children for vehicles




Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
THE HONEST CO.		85778537 Nov. 13, 2012	16 - Disposable swim pants for children and infants; Disposable training pants; Books in the field of parenting, children, environment, education; Disposable pads for diaper changing; Magazine paper; Paper pads for changing diapers; Paper place mats
THE HONEST CO.		85778606 Nov. 13, 2012	18 - Bags for carrying babies' accessories; Diaper bags; Leather and imitation leather bags
THE HONEST CO.		85778504 Nov. 13, 2012	20 - Baby changing mats; Baby changing tables; Cribs; Diaper changing mats; High chairs for babies; Pillows
THE HONEST CO.		85778511 Nov. 13, 2012	21 - Bath products, namely, body sponges; Bath sponges; Cleaning brushes for household use; Cleaning sponges; Diaper pails; Dishwashing brushes; Scrub sponges; Scrubbing brushes; Soap containers; Tooth brushes; Training cups for babies and children
THE HONEST CO.		85778516 Nov. 13, 2012	24 - Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper; Bed pads; Bed sheets; Burp cloths; Crib bumper pads; Crib bumpers; Crib sheets; Diaper changing pads not of paper; Hooded towels; Mattress pads; Washcloths
THE HONEST CO.		85778520 Nov. 13, 2012	25 - Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Hats; Hats for infants, babies, toddlers and children; Infant and toddler one piece clothing;

Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
			Infant sleepers; Infant wear; Infant wearable blankets; Infants' shoes and boots; Shoes
THE HONEST CO.		85778523 Nov. 13, 2012	27 - Carpets and rugs
THE HONEST CO.		85778527 Nov. 13, 2012	28 - Baby multiple activity toys; Baby rattles; Baby rattles incorporating teething rings; Bath toys; Children's multiple activity toys; Crib toys; Memory games; Stuffed toys; Toy building blocks
THE HONEST CO.		85778533 Nov. 13, 2012	35 - Retail store services featuring a wide variety of consumer goods namely eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products; providing consumer product information via the Internet or other communications networks; computerized on-line ordering services featuring a wide variety of consumer goods namely eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products
		85773988 Nov. 7, 2012	2 - Paints

Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
		85774180 Nov. 7, 2012	3 - All-purpose cleaners; Anti-static dryer sheets; Baby bubble bath; Baby hair conditioner; Baby hand soap; Baby lotion; Baby oil; Baby shampoo; Baby wipes; Body lotion; Body oil; Body wash; Cleaning agents for cleaning surfaces; Detergent soap; Dish detergents; Dishwasher detergents; Dishwashing detergents; Fabric softeners for laundry use; Face and body lotions; Facial lotion; Facial moisturizer with SPF; Fruit and vegetable wash; Hair sprays; Hand soaps; Laundry detergent; Laundry soap; Lip balm; Liquid soap; Liquid soaps for hands and face; Liquid soaps for hands, face and body; Non-medicated diaper rash cream; Rinse agents for dishwashing machines; Soaps and detergents; Soaps for babies; Soaps for body care; Soaps for household use; Soaps for personal use; Stain removers; Sunscreen cream; Bar soap; Cleaner for use on floors and windows; Deodorants and antiperspirants; Make-up remover; Mouthwash; Non-medicated skin care preparations, namely, nipple cream; Room fragrances; Tooth paste
		85774010 Nov. 7, 2012	4 - Candles

Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
		85774161 Nov. 7, 2012	5 - Anti-insect spray; Antibacterial alcohol skin sanitizer gel; Baby diapers; Disposable baby diapers; Insect exterminating agents; Insect repellents; Air deodorizer; Breast pads; Breast-nursing pads; Disinfectant bathroom cleaners; Feminine hygiene pads; Infant formula; Inserts specially adapted for cloth infant diapers made of paper; Menstruation pads; Menstruation tampons; Nursing pads; Rubbing compound for medical and/or therapeutic use; Tampons; Vitamins
		85774148 Nov. 7, 2012	10 - Baby bottles; Breast pumps; Cups adapted for feeding babies and children; Pacifiers for babies; Teething rings
		85774028 Nov. 7, 2012	12 - Baby strollers; Children's car seats; Safety seats for infants and children for vehicles
		85774128 Nov. 7, 2012	16 - Disposable swim pants for children and infants; Disposable training pants; Books in the field of parenting, children, environment, education; Disposable pads for diaper changing; Magazine paper; Paper pads for changing diapers; Paper place mats

Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
		85774045 Nov. 7, 2012	18 - Bags for carrying babies' accessories; Diaper bags; Leather and imitation leather bags
		85774052 Nov. 7, 2012	20 - Baby changing mats; Baby changing tables; Cribs; Diaper changing mats; High chairs for babies; Pillows
		85774060 Nov. 7, 2012	21 - Bath products, namely, body sponges; Bath sponges; Cleaning brushes for household use; Cleaning sponges; Diaper pails; Dishwashing brushes; Scrub sponges; Scrubbing brushes; Soap containers; Tooth brushes; Training cups for babies and children
		85774070 Nov. 7, 2012	24 - Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper; Bed pads; Bed sheets; Burp cloths; Crib bumper pads; Crib bumpers; Crib sheets; Diaper changing pads not of paper; Hooded towels; Mattress pads; Washcloths
		85774083 Nov. 7, 2012	25 - Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Hats; Hats for infants, babies, toddlers and children; Infant and toddler one piece clothing; Infant sleepers; Infant wear; Infant wearable blankets; Infants' shoes

Mark	Reg. No. Reg. Date	Ser. No. Filing Date	Goods/Services
			and boots; Shoes
		85774099 Nov. 7, 2012	27 - Carpets and rugs
		85774091 Nov. 7, 2012	28 - Baby multiple activity toys; Baby rattles; Baby rattles incorporating teething rings; Bath toys; Children's multiple activity toys; Crib toys; Memory games; Stuffed toys; Toy building blocks
		85774116 Nov. 7, 2012	35 - Retail store services featuring a wide variety of consumer goods namely eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products; providing consumer product information via the Internet or other communications networks; computerized on-line ordering services featuring a wide variety of consumer goods namely eco-friendly baby products, baby bath products, baby diaper products; baby body care products, household cleaning products

13. The foregoing registrations and applications are valid and subsisting and the registrations constitute *prima facie* evidence of the validity of the marks and The Honest Company's ownership of, and exclusive right to use the HONEST BABY and HONEST marks in interstate commerce, and provide constructive notice of ownership thereof by The Honest Company.

14. The Honest Company has continuously used the HONEST BABY and HONEST marks in interstate commerce for all the goods and/or services in the pleaded registrations and applications filed based upon actual use before the filing date of the opposed application for the HONEST TODDLER mark.

15. Further, The Honest Company's HONEST BABY marks were registered and continuously used in interstate commerce for all the goods and/or services in the pleaded registrations prior to Applicant's claimed use of HONEST TODDLER in the opposed application on the same or similar goods and services.

16. The Honest Company's trademark rights for the HONEST BABY and HONEST marks have priority over Applicant's HONEST TODDLER mark, as The Honest Company has continuously used the HONEST BABY and HONEST marks since it commenced use of those marks, and Applicant's application lists a filing date of September 27, 2012.

17. Since its founding in 2011, The Honest Company has created, developed, produced and marketed a wide variety of consumer goods including but not limited to eco-friendly baby, toddler, family and household products. The Honest Company also provides information services in the field of parenting and specifically in the areas of education, health and entertainment of children as well as exercise and fitness before and after pregnancy, among other things.

18. Today, The Honest Company leads in creating and producing non-toxic and environmentally safe baby, toddler, family and household products as well as educating and sharing information about baby and toddler health, parenting, environmental issues and sustainability.

19. From its inception, The Honest Company was mindful of the importance of developing and protecting its strong HONEST BABY and HONEST brands that match its high-quality and eco-friendly products and services.

20. Accordingly, The Honest Company spent considerable resources developing and acquiring the HONEST BABY and HONEST marks and valuable domain names including

honestbaby.com, honesttoddler.com, honesttot.com, www.honestparents.com, honestparent.com, honestdads.com, honestfamily.com and most notably, honesttoddler.com, all prior to the filing date of the opposed application for the HONEST TODDLER mark. Further, The Honest Company registered the honesttoddler.com domain name prior to Applicant's claimed first use of the HONEST TODDLER mark.

21. The Honest Company has extensively advertised, marketed and promoted its products and services using the HONEST BABY and HONEST marks throughout the nation, which has cemented the public's identification of the HONEST BABY and HONEST marks as designating The Honest Company's products nationwide. By way of example and without limitation, the HONEST BABY and HONEST marks are associated in the minds of consumers with The Honest Company's leading, nationally-recognized eco-friendly baby, toddler, family and household products for consumers, households, classrooms, child care centers, schools and nurseries. Additionally, consumers recognize the HONEST BABY and HONEST marks as used in connection with services of providing reliable information for moms.

22. As a result of The Honest Company's promotional efforts, widespread use in interstate commerce of the HONEST BABY and HONEST marks and commercial success, the marks have acquired extensive goodwill, have developed a high degree of distinctiveness and are well known and recognized as identifying high quality goods which have their origin with or have been authorized by The Honest Company.

23. Further, The Honest Company's products associated with the HONEST BABY and HONEST marks are well-known and famous and have garnered considerable media attention. The products have been featured on television broadcasts, newspapers, websites and magazines such as Good Morning America, Today, The View, Ellen, Forbes magazine, CNN, CBS, KTLA, Self.com, Martha Stewart, Rachel Ray, Jimmy Kimmel and Live with Kelly, to name just a few.

24. Through favorable public acceptance and recognition, the distinctive HONEST BABY and HONEST marks have become assets of substantial value to The Honest Company

and symbols of The Honest Company's high quality products and services and associated goodwill.

25. On September 27, 2012, Applicant filed an application to register the HONEST TODDLER mark for use in connection with "providing a website featuring blogs and non-downloadable publications in the nature of articles and columns in the fields of entertainment and parenting" in International Class 041.

26. Subsequently, Applicant disclaimed all exclusive rights to use "TODDLER" apart from the mark as shown.

27. Applicant's proposed services are identical or confusingly similar to the services provided in connection with The Honest Company's HONEST BABY and HONEST marks.

28. Further, Applicant's proposed services represent a natural zone of expansion for The Honest Company and Applicant's services travel in, and are promoted through the same channels of trade for use by the same class of consumers.

29. Applicant's HONEST TODDLER mark is confusingly similar to The Honest Company's HONEST BABY and HONEST marks in sound, appearance and commercial impression. It so resembles The Honest Company's marks as to likely cause confusion, mistake and/or deception in violation of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d), when used on or in connection with Applicant's goods and services.

30. Applicant's manufacture, marketing, distribution, display and sale in commerce of confusingly similar products and services bearing the same and/or confusingly similar imitations of The Honest Company's HONEST BABY and HONEST marks, is likely to cause confusion, deception and mistake by creating the false and misleading impression that Applicant's products are manufactured, produced, distributed, endorsed, sponsored, approved or licensed by The Honest Company, or are associated or connected with The Honest Company.

31. Applicant's use of the HONEST TODDLER mark is likely to and/or has diluted and lessened the capacity of the HONEST BABY and HONEST marks to identify and distinguish The Honest Company's goods and services.

32. Registration of Applicant's HONEST TODDLER mark would give Applicant an unqualified right to wrongfully appropriate The Honest Company's valuable goodwill and reputation associated with The Honest Company and its HONESTBABY and HONEST marks; to benefit from the likely confusion among purchasers led to believe that Applicant's services are related in some fashion to The Honest Company; to harm The Honest Company's goodwill and reputation associated with its marks; to tarnish The Honest Company's good name by offering confusingly similar services; and to restrict the natural growth of The Honest Company's HONEST BABY and HONEST marks.

33. The subject application should be refused because The Honest Company's exclusive rights to continue its present use of the HONEST BABY and HONEST marks in commerce are threatened by Applicant's unauthorized use of the HONEST TODDLER mark, and would be further threatened by Applicant's registration of the HONEST TODDLER mark for Applicant's services, and because The Honest Company's business would otherwise be damaged by Applicant's registration of the HONEST TODDLER mark.

WHEREFORE, Opposer The Honest Company respectfully requests that this opposition be sustained and Applicant's application to register the HONEST TODDLER mark be denied in all respects.

Dated: May 21, 2013

Respectfully submitted,
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/s/ Erica J. Van Loon

ERICA J. VAN LOON
*Attorneys for Opposer,
The Honest Company, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2013, one (1) true and correct copy of the foregoing document has been served on Applicant by mailing the same via FedEx overnight courier, postage prepaid, to:

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